



Vapor Recovery Advisory Group

MINUTES

NOVEMBER 10, 2005

9:30

MILLENNIUM HOTEL,
ST. LOUIS

MEETING CALLED BY	Department of Natural Resources' Air Pollution Control Program
TYPE OF MEETING	Informal discussion of pertinent vapor recovery issues (no specific agenda or presenters)
FACILITATOR	Chris Nagel
NOTE TAKER	Chris Nagel, Nicole Eby, Richard Swartz
ATTENDEES	See attendance record

Agenda topics

2 YR SUSPENDED PENALTY POLICY

DISCUSSION	Mr. Ron Leone expressed the view that penalties should apply only to the station cited and not an entire company. Mr. Chris Nagel gave reasons for the current policy. More details are included in the conclusions section.	
Mr. Mark Jordan spoke of inconsistency of policies between tanks program and APCP.		
Mr. Joe Bauer spoke about how actions against companies can negatively effect individual operators (leased operations).		
Penalty structure does not adequately address increased liability with larger target.		
Mr. Todd Burkhardt spoke about large companies using information from one station to address issues company wide.		
Also, discussed was the responsibility of designated person and the need to hold company responsible for repetitive violations.		
CONCLUSIONS	The APCP policy of applying suspended penalties to a company rather than an individual station is in keeping with AGO and EPA policy.	
The policy gives the APCP the ability to address repetitive violations for a company. Without corporate liability, there is less incentive for companies to focus on compliance at all company stations. Instead, attention is given to individual sites due to suspended penalties not being carried over to other locations. For the APCP to compensate for the lack of corporate liability, initial penalty amounts would need to increase. There were many comments both for and against the current policy.		
If a company uses one designated person for all facilities they assume the responsibility for all facilities.		
If an owner has only one station he/she has assumed the liability /profit/responsibility of only that station. If owner chooses to operate more stations then he/she assumes the increased liability/profit/responsibility that comes with additional stations.		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
No change at this time		

DIFFERENCE BETWEEN NOV & NOEE

DISCUSSION	Mr. Chris Nagel explained the difference between a Notice of Violation (NOV) and a Notice of Excess Emission (NOEE).	
NOEEs are issued for minor wear and tear defects. NOVs are issued for serious defects and paperwork violations.		
Items that constitute NOV and enforcement actions are: Illegal dispensing of gasoline from tagged out dispenser Construction or Operating Permit Violations Repetitive paper work violations Use of non-MOPETP approved components		
CONCLUSIONS		
Members of audience requested a list of defects and enforcement actions to be included on the stage II internet page.		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
APCP will include defects list on web page		



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WEBSITE AND ONLINE INFO

DISCUSSION	The APCP encouraged use of the department's stage II web page to obtain info and asked what members would like to see included. Suggestions: weekly inspection log example, contact us link, department and local structure, defect list, links to PISTIF, MPCA, tanks section & Department of agriculture and which agency to contact about specific questions. Mr. Leone suggested the MPCA put a link to our website on their web site and possibly include a "weekly tidbit".	
CONCLUSIONS	All or most of these requests can be accommodated easily	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Add above requests to stage II vapor recovery web page		

TAG OUT PROCEDURES

DISCUSSION	Mr. Bud Pratt explained the use of the tag out procedure for large defects in lieu of actual up-front monetary penalties to meet EPA guidelines. Mr. Pratt also explained current tag out procedure and use of zip-ties in tagging nozzles. Various marketers explained it is not feasible to use inside mechanisms to shut off tagged out nozzles. Credit card purchases override the lockout. Also, discussed was a request to allow contractor/owner to un-tag nozzles after repairs are made and asses a large fine if repairs are not made. Mr. Pratt reiterated that for the department to meet EPA guidelines we would have to assess an initial fine in lieu of tag outs. Mr. Bill Ruppel spoke about possibility of improper repairs. Mr. Nagel explained the requirement that tagged out nozzles must be re-inspected within 4 days of repair notification to the department. If not equipment may be put back into service. If repairs are not made an illegal dispensing fine is assessed. Mr. Ruppel, Mr. Nagel and Ms. Donegan attested to the rapid response of agencies after notification of repairs. The audience was in general agreement that inspector's are responding quickly to calls for removal of tag outs. Mr. John Clark spoke about the safety of leaving nozzles tagged out until re-inspected. This action prevents the possibility of similar damage to the replaced component before the re-inspection. Ms. Kathrina Donegan pointed out that if a defect is found and nozzle put out of service by an operator, it will be noted on the inspection report but not tagged-out by the inspector. When repairs are made, it may be put back in service by the owner/operator. A proposal was made to have contractors registered by the state and authorized to put equipment back in service after repairs are made. Mr. Nagel and Ms. Mosby referred to a failed attempt to do this in the asbestos program.	
CONCLUSIONS	Tagging out a nozzle rather than assessing an immediate fine is a more appealing approach to most owner/operators and this sentiment was demonstrated by comments received during the meeting. Leaving a nozzle tagged out until a re-inspection allows the APCP to continue with this approach and also ensures that no further damage is done prior to re-inspection	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
No changes at this time		

SELF INSPECTIONS

DISCUSSION	Mr. Joe Bauer discussed the frequency of self-inspections and what each includes. He suggested that some components need to be inspected more frequently than others are. Mr. John Mullen and Mr. Nagel gave some guidance on self-inspections. How often depends on the needs of the station. High traffic areas need more attention etc. Mr. Mullen suggested that if you look at the common areas of wear and tear you would find most major defects. Ms. Sherry Boldt suggests that if work is contracted, the person responsible for self-inspections walk through the facility with the contractor to make sure proper repairs are made. Mr. Nagel also suggested walk through inspections with agency inspectors, if possible, to see what they look at and get a better idea of what to look for during self-inspections.	
CONCLUSIONS	The more pro-active and knowledgeable individuals are in doing self-inspections the less likely it will be for stations to receive a violation or tag out. If a problem is discovered on self-inspection and nozzle tagged out prior to arrival of an inspector. The inspector will note on inspection but will not tag out. This allows nozzle to be put immediately back in service after repair.	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Will include an example of self-inspection log on web page		



MOPETP TESTING / APPROVAL

DISCUSSION	<p>Mr. Leone asked why a penalty is assessed for unapproved components if they function fine and there is no negative consequence. Mr. Nagel and Mr. Pratt explained that if a component is not approved the consequence is either unknown because it has not been tested or that it has actually failed testing therefore there may be a negative environmental impact.</p> <p>Someone also asked why we do not have more components approved. APCP pointed out that the manufacture has to come to the department to seek approval and that marketers are better able to influence this through market demand than the department.</p> <p>We were asked why we do not request recall of defective components. The APCP explained that this is not within our authority but we can de-certify components if problems are not corrected.</p> <p>Mr. Pratt invited all to attend Technical Review Committee (TRC) meetings</p> <p>Mr. Mark Cox of VST asked about average approval time and general questions about the approval process. Mr. Pratt and Mr. Cox discussed the issue briefly and planned to continue discussion later.</p>	
CONCLUSIONS	General information exchange	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Will send invitations to TRC meetings via group e-mail		

VAPOR & FILL PORT CAPS

DISCUSSION	<p>Mr. Leone asked why non-MOPETP caps are treated the same as other non-approved components when they are not included in leak decay testing. Mr. Nagel explained the caps are a secondary measure and during testing, they are removed to ensure primary control measures are working properly.</p> <p>Mr. Joe Hooten & Mr. Mark Jordan discussed the reasons for use of a flat/sidelock cap. Need caused by sinking concrete or original design of system. Becomes an issue of safety and only option is for flat cap or no cap.</p> <p>Mr. Nagel conceded that a different approach to enforcement might be possible, as they are secondary and easy to check for proper working order.</p>	
CONCLUSIONS	Need to review current enforcement policy regarding caps to see if changes are warranted	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Draft a blanket MOPETP approval of all vapor and fill port caps based on technical and engineering evaluation.		
Memo to follow soon		

EVR IMPLEMENTATION/ORVR QUESTIONS

DISCUSSION	<p>Mr. Ron Fulencheck asked how we expect ORVR to affect MOPETP and stage II vapor recovery. Mr. Pratt informed the audience that balance systems increase the effectiveness of ORVR thus it should only affect our program positively.</p> <p>Mr. Fulencheck also asked about an approved EVR timeline and how long existing stations will have to implement it. Mr. Pratt explained that California has until 2008 to implement and the MOPETP allows for implementation later. He explained that with the phase out of older parts and availability of new, most stations would have implemented the changes on their own before it is required.</p>	
CONCLUSIONS	General information exchange	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
None at this time		

DISTINGUISHING BETWEEN HUSKY 3030 & 3360 BREAKAWAYS

DISCUSSION	<p>Mr. Art Fink held an after meeting discussion about this issue. He passed out detailed photos and explained the differences between the two.</p>	
CONCLUSIONS	Include identification information on internet page	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Memo regarding inspection procedures and including detailed photographs to be posted to the stage II web page		



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SPECIAL NOTES	